

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America

v.

JAMES BEHANAN

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Case No. 1:20-MJ-00788

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date(s) of 01/01/2020 - Present in the county of Hamilton in the
Southern District of Ohio, the defendant(s) violated:*Code Section**Offense Description*

21 U.S.C. 846, 841(b)(1)(A)

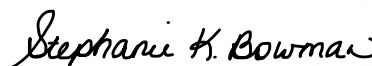
Conspiracy to Possess with Intent to Distribute More Than 500g of
Methamphetamine

This criminal complaint is based on these facts:

See Attached Affidavit

☐ Continued on the attached sheet.*Complainant's signature*

Christopher Brzozowski, Special Agent, DEA

*Printed name and title*Sworn to before me and signed in my presence.
via electronic means, specifically Facetime video.Date: Nov 3, 2020*Judge's signature*City and state: Cincinnati, Ohio

Hon. Stephanie K. Bowman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Christopher F. Brzozowski, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the U.S. Drug Enforcement Administration (DEA), and have been so employed since August 2019. I have completed basic law enforcement training at the DEA Academy in Quantico, Virginia and have received extensive training in the investigation of offenses involving controlled substances. I am assigned to the DEA Cincinnati resident office, working on complex conspiracy investigations. I have participated in multiple investigations. I have had the opportunity to interview drug traffickers and have become familiar with the various techniques employed by these subjects to use, distribute, and transport narcotics.

2. The Attorney General of the United States has empowered me with Title 21 Authority, which authorizes me to seize property, conduct search warrants, and make arrests of persons for violations of the Controlled Substances Act. This affidavit is made in support of a complaint against James Marshall BEHANAN for attempting and conspiring to possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A). This affidavit is being submitted for the limited purpose of establishing probable cause authorizing the arrest of James Marshall BEHANAN. I have not included each and every fact and circumstance of which I am aware. I have set forth only those facts which I believe are necessary to establish probable cause.

3. The facts set forth in this complaint are based on personal knowledge derived from my participation in this investigation and upon information presented to me by other law enforcement officers involved in this case to include fellow DEA agents, United States Postal Inspection Service agents

(USPIS), agents from the Clermont County Drug Task Force (CCDTF), and Cincinnati Police Department officers (CPD). The sources of my information and beliefs include:

- a. Oral and written reports about this investigation which I have received from CCDTF, CPD, and USPIS which have been reported to me either directly or indirectly;
- b. Physical surveillance by Special Agents of the DEA, the CCDTF, and CPD which have been reported to me either directly or indirectly.

PROBABLE CAUSE

4. In January 2020, Cincinnati DEA agents executed a search warrant at John DOE's¹ residence located in Erlanger, Kentucky. Hours earlier on that same date, DOE was arrested for possession of a firearm by a felon in Harrison County, Kentucky. DOE agreed to cooperate with law enforcement and said that he had a large quantity of methamphetamine at the residence in Erlanger that was the subject of the search warrant.

5. Pursuant to a state search warrant, agents seized approximately five pounds of methamphetamine and approximately one ounce of heroin from the Erlanger location. DOE was subsequently charged with trafficking methamphetamine.

6. On May 26, 2020, DOE provided information regarding a source of supply who distributes illegal drugs in Cincinnati. DOE said he made at least two trips to Atlanta to obtain methamphetamine for an individual known as "Puh." DOE said BEHANAN sold him methamphetamine for a lower price because DOE made these trips. DOE said he contacted "Puh" via mobile phone number 513-237-6678. DOE also said "Puh" drove a dark green Camaro.

¹ "John Doe" is a pseudonym for an individual I know. I am familiar with Doe's background, including his name, age, address, social security number, and other personal identifiers. I have also reviewed Doe's criminal history, which includes convictions for drug trafficking.

7. A Facebook page with the username “Puh Wop” displayed an image of a dark green Camaro. Agents were able to obtain the license plate from that Facebook image, and a search of Ohio BMV records determined the Camaro was registered to a James Marshall BEHANAN. On July 28, 2020, DOE was shown an image of BEHANAN and he confirmed that BEHANAN was “Puh.”

8. BEHANAN’s driver’s license listed his address as 1035 Woodlawn Avenue, Cincinnati Ohio. DEA Task Force Officer (TFO) Scott Allen surveilled that address and saw a gray BMW with a temporary OH license plate K369552. That temporary license plate number returned to BEHANAN. During this investigation, agents surveilled BEHANAN at Xtreme Tire LLC located at 22 W. Mitchell Avenue, Cincinnati, Ohio. BEHANAN has been seen driving an Infiniti sedan at Xtreme Tire.

9. On August 6, 2020, Cincinnati DEA agents—along with other law enforcement officers—conducted a controlled buy of six ounces of methamphetamine from BEHANAN at his residence at 1035 Woodlawn Avenue for \$3600.00 using a reliable and trustworthy confidential source (CS). To arrange the purchase, the CS contacted BEHANAN on 513-383-2866. During the meeting on August 6, 2020, BEHANAN told the CS he would not be living at 1035 Woodlawn Avenue much longer and that he was moving to an apartment near Mariemont, Ohio. Agents later identified BEHANAN’s new address as 8218 Wooster Pike, Cincinnati, Ohio. Despite having moved from the Woodlawn address, BEHANAN has continued to use the 1035 Woodlawn Avenue location as one of his stash houses, as discussed further below.

10. On October 1, 2020, electronic surveillance showed that BEHANAN’s Infiniti was traveling toward Detroit. I monitored the electronic surveillance and saw that BEHANAN’s vehicle was parked in a parking lot at 11392 W. Jefferson Ave, River Rouge, Michigan. From a Google search, I learned that this address is a marijuana dispensary. Cincinnati DEA agents thereafter surveilled BEHANAN’s Infiniti as it returned to Cincinnati.

11. On October 2, 2020—the day after his return from Detroit—BEHANAN posted on his public Facebook, under the name “Puh Wop,” that he had marijuana. I know from DOE that “Puh” is a moniker BEHANAN uses; furthermore, agents compared BEHANAN’s driver’s license photo to photos publicly available and posted to “Puh Wop’s” Facebook page and determined that the two are the same individual. From the comments section of BEHANAN’s post, there was evidence—as described below—that he had marijuana for sale. BEHANAN posted “Platinum Cookies” with a cookie emoji and two fire emojis.

12. I know, based on my training and experience, that “Platinum Cookies” is a street term that refers to a specific strain of marijuana plant. I know further that the term “fire” is a street term to refer to drugs of a very good quality. One unknown subject commented on BEHANAN’s Facebook post that s/he wanted some “platinum cookies,” to which BEHANAN responded “come on.” I believe the statement “Come on” was an invitation to buy marijuana from BEHANAN to the commenter.

13. On October 7, 2020, agents observed via electronic surveillance of BEHANAN’S Infiniti that BEHANAN drove to West Virginia. Agents near Charlestown, West Virginia located the Infiniti and saw BEHANAN near the rear of a Jamaican restaurant. West Virginia agents saw BEHANAN meet with an unidentified male (UM). UM removed a large black trash bag from BEHANAN’s rear door, and placed the bag in the passenger seat of a pickup truck. UM then handed BEHANAN a cardboard box, after which BEHANAN left the area and went to the Huntington (West Virginia) Mall. Charleston, West Virginia agents were able to confirm BEHANAN as the driver of the Infiniti through information passed from Cincinnati DEA agents and visually confirming BEHANAN’s appearance with available photos of BEHANAN.

14. Thereafter, Charleston DEA agents and a West Virginia State Police Officer surveilled UM while he was driving a gray SUV. Law enforcement conducted a search of automotive registration databases and learned the SUV was registered to a “Kerry Martin.” Law enforcement traffic stopped the SUV and

learned the registered owner, Kerry MARTIN, was driving the vehicle. In the car, agents found approximately a pound of marijuana. MARTIN told law enforcement that his cell phone number was 614-796-3812.

15. I believe BEHANAN's brief meeting with MARTIN on October 7, 2020, was indicative of drug trafficking. Based on my training and experience, I know drugs are more expensive in West Virginia as compared to Cincinnati, Ohio. I also know drugs are routinely concealed in household items like trash bags. Finally, based on my training and experience, a pound of marijuana is not typically for personal use. Instead often a dealer will break the pound into smaller quantities for retail sale. Accordingly, I believe BEHANAN is a source of supply for retail drug dealers in West Virginia.

16. On October 8, 2020, Cincinnati DEA agents and detectives from the Cincinnati/Northern Kentucky Airport Police Department (Airport Police) received information from airport personnel about BEHANAN on a suspicious flight itinerary, traveling from Cincinnati, Ohio (CVG) to Las Vegas, Nevada with a connecting flight through Los Angeles, California (LAX). BEHANAN's itinerary was suspicious insofar as he purchased his one-way ticket only two days prior to the date of his travel and he was traveling to Las Vegas, Nevada with a connecting flight in Los Angeles, California. Based on training and experience, I know that Las Vegas and Los Angeles are source cities for methamphetamine. Those two cities are in close proximity to the southwest border and are major drug transportation hubs.

17. Based on this information, on October 8, 2020, agents stopped BEHANAN at the airport, and BEHANAN agreed to speak with the agents. TFA Eli Sautter said they worked airport interdiction looking for large amounts of cash and/or drugs related to terrorism and drug trafficking. TFA Sautter asked BEHANAN if he had any money on him, to which BEHANAN responded "about \$25,000." TFA Sautter then asked if he could search BEHANAN's carry-on bag. BEHANAN assented. In BEHANAN's bag, TFA Sautter found cash rolled up inside socks at the bottom of the carry-on bag.

18. TFA Sautter asked BEHANAN where he worked and he said he was unemployed. BEHANAN's explanation for the large amount of cash in his carry-on bag was that he just sold a car and had the receipt in his backpack. A review of the receipt, however, showed that BEHANAN was the purchaser, not the seller. When confronted with this information, BEHANAN said there were "other ways" to make money.

19. Based on my training and experience, the fact that the CS bought six ounces from methamphetamine in August 2020 from BEHANAN, the fact that BEHANAN traveled to Michigan and visited a marijuana dispensary in October 2020 and thereafter advertised a strain of marijuana for sale on his Facebook page as mentioned above, the fact that BEHANAN then likely sold to a customer in West Virginia who was stopped immediately after meeting with BEHANAN and was found to have a pound of marijuana on him, and the fact that BEHANAN is unemployed and yet agents seized a large quantity of cash from his person on October 8, 2020, I believe that when BEHANAN said there are "other ways" to make money he was making reference to selling drugs.

20. On October 12, 2020, using electronic surveillance, I saw BEHANAN's Infiniti traveling to Detroit. Later I was informed by a DEA agent that BEHANAN had been pulled over in Sidney, Ohio. Ofc. Jennings with the city of Sidney Police department pulled BEHANAN over for a window-tint violation and discovered approximately 50 pounds of marijuana concealed in the trunk. Ofc. Jennings conducted the search on the basis of the odor of marijuana emanating from the vehicle.

21. On that date, I interviewed BEHANAN at the city of Sidney police department after Ofc. Jennings Mirandized BEHANAN and BEHANAN waived his Miranda rights. During the interview, BEHANAN stated his address was 1035 Woodlawn Ave. BEHANAN also allowed me to look at the messages contained in one of his cellphones. I saw a message between BEHANAN and an unknown person that contained an address. BEHANAN said that address was where he met an unknown male whom he followed to a warehouse. Once at the warehouse, BEHANAN then received the 50 pounds of

marijuana that was later seized. BEHANAN also allowed me to look at calls between him and that unknown male. Based on my training and experience, I believe the cell phone BEHANAN allowed me to look at was his cell phone he used to conduct drug trafficking.

22. On October 15, 2020, I obtained a search warrant in Southern District of Ohio, Case No. 1:20-mj-744, for BEHANAN's phones, which were seized from him at the airport.

23. During the search of BEHANAN's phone, I found text messages between BEHANAN and phone number 740-771-5904. Below is a sample of the exchange between BEHANAN and 740-771-5904 that occurred on June 25, 2020:

740-771-5904	I gave you 3 tains of glases 2800 each one im going to send you 14 Tonys plus 650 of material that comes oit eo 26550
BEHANAN	Ok that's fine thank you
740-771-5904	Ok

24. Based on my training and experience, "glases (sp. glasses)" is a street term for crystal methamphetamine. I believe BEHANAN and his source of supply were discussing the cost of methamphetamine when 740-771-5904 said "I gave you 3 tains of glases 2800 each." Specifically, I believe BEHANAN told his source of supply he was willing to purchase the drugs when he said "Ok that is fine thank you."

25. I also saw conversations between 740-771-5904 and BEHANAN where they were discussing USPS routing numbers and the locations where parcels would be shipped. Below is an exchange between BEHANAN and 740-771-5904 that occurred on July 27, 2020:

740-771-5904	9505 5143 5011 0209 2246 37
BEHANAN	To which one?
740-771-5904	Image of a USPS receipt
740-771-5904	1035 Woodlawn Ave, 45205
BEHANAN	Ok cool

26. Based on my training and experience, I believe in this conversation the user of 740-771-5904 gave BEHANAN the tracking number and an image of a USPS receipt for a shipment sent. BEHANAN then acknowledged the shipment when he texted "ok cool." I believe BEHANAN and the user of 740-771-5904 communicated that parcels of drugs would be shipped to the Woodlawn address. I know, based on my training and experience, that it is common for drug traffickers to use the USPS to ship drugs.

27. In searching BEHANAN's phone, I also saw a conversation that took place on August 6, 2020 where BEHANAN was requesting drugs from 740-771-5904. The following is an excerpt of that conversation:

740-771-5904	What do you need
BEHANAN	Glasses or the Tony
740-771-5904	The glasses are at \$4,000 and the Tony are \$1,600 for one
BEHANAN	Can you get glasses right now
740-771-5904	Yes but I need to take the money to my homie
BEHANAN	Ok I want one
740-771-5904	Deposit me the money
BEHANAN	Ok sent me the info
740-771-5904	It's a banking acc under the name of Maria Leon Higuera, routing number is 322271627 and the account number is 59086291 chase
BEHANAN	Ok I will send it tomorrow
740-771-5904	Ok

28. Based on my training and experience, I believe BEHANAN was asking to buy drugs. I know that "glass" is a street term for crystal methamphetamine. I also know that "[t]ony" is a street term for powder cocaine. Specifically, it is a reference to a character named "Tony Montana" from the movie "Scarface," who is a prolific cocaine trafficker.

29. I also saw an exchange between BEHANAN and 513-488-0932 that occurred on September 28, 2020. The following is an excerpt of that conversation:

513-488-0932	Make it a good one rock up for me
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BEHANAN	Got you
BEHANAN	1035 Woodlawn

30. Based on my training and experience, as well as my knowledge regarding BEHANAN's involvement in drug trafficking, I believe that in the above conversation BEHANAN was coordinating a drug deal. Specifically, that the user of 513-488-0932 was requesting drugs, most likely methamphetamine, when s/he said "make it a good one rock up for me." I know that "[r]ock" is a street term for methamphetamine. In the conversation, BEHANAN agreed to the drug sale when he said "I got you" and then directed the customer that the meet location would be "1035 Woodlawn."

31. On October 22, 2020, I was alerted by United States Postal Inspection Agent Karen O'Neil that a seven pound package had been shipped from Bakersfield, California to 1035 Woodlawn. The package was addressed to Jessica Smith at 1035 Woodlawn. Through the use of law enforcement databases I know there is no Jessica Smith associated with that address. Based on my training and experience, Bakersfield, California is a source area for methamphetamine. Additionally, there is a history of 1035 Woodlawn receiving packages of drugs through the mail as demonstrated by the text messages detailed above.

32. On October 26, 2020, USPIS Agent O'Neil retrieved the package from a mail processing facility in Sharonville, Ohio. A K9 alerted on the package. USPIS Agent O'Neil applied for and received a warrant to search the package. The warrant, 1:20-mj-778, was issued on October 27, 2020. On October 28, 2020, USPIS Agent O'Neil opened the package and discovered approximately a kilogram of suspected methamphetamine. I know, based on my training and experience, that a kilogram of methamphetamine is a trafficking-level amount of drugs, and is not consistent with personal use. The street value of a kilogram of methamphetamine is approximately \$4,000.00 wholesale according to texts messages on BEHANAN's phone. Multiple layers of packaging, including a foam coating, were used to conceal the suspected methamphetamine. USPIS Agent O'Neil performed a color reagent test on the suspected

kilogram of methamphetamine and it indicated the presence of methamphetamine. Based on my training and experience, despite BEHANAN having moved from the Woodlawn address, I believe he is still using the residence to store drugs. This is based on the text messages discovered in his phone requesting packages be shipped to Woodlawn and BEHANAN directing purchasers of drugs to the Woodlawn address.

33. On October 30, 2020, USPIS Agent O'Neill informed me that someone using the phone number 513-418-1540 was calling in to check on the status of the package.

34. On the morning of November 2, 2020, DEA agents executed a search warrant, 1:20-mj-782, at three premises used by BEHANAN, including a premises located at 8218 Wooster Pike Apt #C. During the search of the residence, agents located empty cardboard boxes underneath the stairs in the apartment. The boxes had shipping labels affixed to them that were addressed to Jessica Smith at 1035 Woodlawn, Cincinnati, OH.

35. After agents executed the search warrant, TFO Scott Allen and I interviewed BEHANAN. Prior to asking any questions, I read BEHANAN his Miranda rights. BEHANAN agreed to answer questions. BEHANAN was asked about a white iPhone 7. BEHANAN said that phone was his and the number was 513-418-1540. Based on my training and experience, I believe the package intercepted by USPIS Agent O'Neill was being sent to BEHANAN. BEHANAN has a history of receiving packages of suspected drugs at 1035 Woodlawn. The intercepted package was addressed to the same individual at the same address (Jessica Smith at 1035 Woodlawn) as boxes located in BEHANAN's apartment, and BEHANAN admitted to possessing a phone that was used to check on the status of the package.

CONCLUSION

36. Based on the facts and circumstances listed above, and on my training and experience, I have reason to believe, and do believe, that on or about October 23, 2020 through on or about November 2,

2020, in the Southern District of Ohio, James Marshall BEHANAN and others attempted and conspired to possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A).

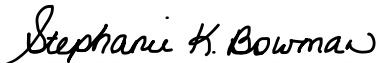
Respectfully submitted,



Christopher F. Brzozowski
Special Agent
Drug Enforcement Administration

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Subscribed and sworn to before me on November 02, 2020 via electronic means, specifically Facetime video.



HON. STEPHANIE K. BOWMAN
UNITED STATES MAGISTRATE JUDGE